

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>LEROY FRAZIER,</b>	)	
	)	Petitioner,
	)	C.A. No. 20-213 Erie
	)	
	)	
<b>v.</b>	)	District Judge Susan Paradise Baxter
	)	Magistrate Judge Richard A. Lanzillo
<b>B. TRATE,</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM ORDER**

This action for habeas corpus relief was received by the Clerk of Court July 28, 2020. In his habeas petition, Petitioner seeks relief under 28 U.S.C. § 2241, in the form of an Order directing the Federal Bureau of Prisons (“BOP”) to release him to home confinement pursuant to the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, 134 Stat. 281 (2020). In particular, Petitioner alleges that home confinement is warranted because he is uniquely vulnerable to the virus due to lung and kidney injuries he sustained in a 2011 shooting incident. The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On December 18, 2020, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be dismissed, with prejudice, because Petitioner admittedly failed to exhaust his administrative remedies, and the Court is unable to grant the relief requested by Petitioner under the CARES Act in any event. [ECF No. 12]. Objections to the R&R were due to be filed by January 4, 2021; however, no objections have been received from Petitioner.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9<sup>th</sup> day of February, 2021,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and the report and recommendation of Magistrate Judge Lanzillo, issued on December 18, 2020 [ECF No. 12], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge

All parties of record